

REMARKS

Claims 1-2 are pending in the application. Claim 1 is the sole independent claim.

Information Disclosure Statement

Applicants are filing on even date an Information Disclosure Statement and substitute form PTO-1449 for the Examiner's consideration.

The Claims Are Not Anticipated by Wexler

The Office rejected claims 1-2 under 35 U.S.C. 102(e) as being anticipated by Wexler (U.S. Patent No. 5,960,409). Applicants respectfully traverse this rejection, and submit that each pending claim is patentably distinguishable over Wexler.

In order for a claim to be anticipated under 35 U.S.C. § 102, a single prior art reference must disclose, either expressly or inherently, each and every element as set forth in the claim. M.P.E.P. § 2131. Anticipation does not occur in the instant application, however, for at least the reason that Wexler fails to disclose selecting an advertisement as claimed.

Independent claim 1 recites, in part, "selecting an advertisement, based upon stored information about said user node, to send to said user node in response to said first advertising request." In contrast, the third party accounting and statistical service of Wexler merely "accumulates and tabulates statistical information including the number of clicks on the advertiser's banner, and further provides data indicative of the effectiveness of the banner publisher's Web page as an advertising medium." Wexler, col. 2, lines 57-61. Since the third party service of Wexler only provides accounting and statistical information and does not select ads, it cannot anticipate independent claim 1 of the present application.

Accordingly, as pending dependent claim 2 depends from and further limits its respective independent claim, Applicants respectfully submit that all of the pending claims, for at least the reasons described above, are not anticipated by Wexler under 35 U.S.C. § 102.

CONCLUSION

It is respectfully submitted that, in view of the foregoing remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.


The Office is authorized to charge the two-month extension of time fee of \$450.00 to Deposit Account No. 11-0600. A copy of this page is provided for this purpose.

Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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